

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JOHN E. LAVIN,)	
)	
Plaintiff)	
)	
v.)	Civil No. 05-83-P-C
)	
BANKNORTH, N.A.,)	
)	
Defendant)	

Gene Carter, Senior District Judge

**ORDER ACCEPTING, AFFIRMING AND ADOPTING
THE RECOMMENDED DECISION RE: DOCKET NOS. 23 AND 25
AND AFFIRMING THE MAGISTRATE'S ORDERS ON
DOCKET NOS. 26 AND 27**

After full de novo review of the record herein, including the Recommended Decision (Docket No. 34) and the Objection of the Plaintiff thereto (Docket No. 37) and the Defendant's Response thereto (Docket No. 39), it is hereby **ORDERED**, pursuant to 28 U.S.C. § 636(b)(1)(B):

(1) That the Recommended Decision herein be, and it is hereby **ACCEPTED, AFFIRMED** and **ADOPTED** as the Judgment of the Court and that the Defendant's Motion to Dismiss (Docket No. 23) be, and is hereby, **GRANTED**, and it is **ADJUDGED** that Defendant shall recover of the Plaintiff an award of attorney's fees for all fees incurred by the Defendant subsequent to August 29, 2005, pursuant to Rule 37(b)(2)(C) as approved in amount, on motion, if need be, by the Court;

(2) That, on appellate review, pursuant to 28 U.S.C. § 636(b)(1)(A) the Orders of the Magistrate Judge denying Plaintiff's nondispositive motions at Docket Nos. 26 and 27 be and are hereby **AFFIRMED** and **ADOPTED**, no clear error therein being shown, and it is hereby **ORDERED** that said motions be and are hereby **DENIED**; and

(3) Defendant shall file any motion that may be required for approval in amount of counsel fees awarded herein in accordance with local Rule No. 54.2.

/s/Gene Carter

GENE CARTER
Senior U.S. District Court Judge

DATED at Portland, Maine this 12th day of December, 2005.

Plaintiff

JOHN E LAVIN

represented by **JOHN E LAVIN**
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PRO SE

V.

Defendant

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Defendant

ALBERT MADORE

Albert "Stretch" Madore

TERMINATED: 06/30/2005

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Defendant

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Defendant

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